

## More Directives

The Gibson Report was embraced by the Campbell government and is mirrored in the Terms of Reference the government, in turn, issued to the CA. The pertinent provisions read:

*"4. the assessment described in section 1 (reform to the electoral system the CA may recommend ) must:*

*(a) be limited to the manner by which voters' ballots are translated into seats in the Legislative assembly, and*

*(b) take into account the potential effect of its recommended model on the system of government in British Columbia."*

Readers of my previous articles recognize easily the source of these: 4(a) is Gibson's Recommendation No 2 and 4(b) is his Recommendation No 33.

Gibson's Recommendation No 31, which I have also discussed, is not mentioned explicitly in the CA Terms of Reference. But it is there, conspicuously embedded:

*"3. If the Citizens' Assembly recommends under Section 1 the adoption of a model for electing Members of the Legislative Assembly that is different from the current model,*

*(b) the model must be described clearly and in detail in the Report"*

Note, if you please, that it is "the model", i.e. a singular, that the CA may recommend. This manifests to that the government seek a single referendum question from the CA. Just like Gibson suggested.

Gibson's suggestion that the question be phrased so that it can be answered with "a straight 'Yes' or 'No' vote", is cleverly omitted in the Terms of Reference. The omission may not be unrelated to politicians' celebrated aversion to Joe-Clarkean specificity.

Perhaps I should clarify my exception to Gibson's Recommendation No 31. I maintain it is bad, but this not because he suggests a referendum question answerable with "Yes" or a "No" - far from it, for this is the only "good" part of the recommendation. After all, voters

can only mark "X" and this stands for "Yes" when marking ballots and ballots have no space for write-in answers. The "bad" part of Gibson's No 31, and very bad it is, is that restricting the CA to only one referendum question. I trust I have now made my position clear.

The Campbell Liberals' New Era Commitment to let the citizenry do electoral reform is the most important offer made to the citizens of British Columbia by a political party for a very long time. As a matter of fact, to the best of my knowledge this is the second time it has ever happened. The first time was back in 1991 when Premier Rita Johnston committed the last of the Socreds to do Recall and Initiative. That opportunity was embraced by 83% of the people but, regrettably, it was brutally clawed back and away from us by the Harcourt NDP government. Admittedly the NDP had neither fathered R & I nor did they open their bosom to it, they simply pretended to adopt it so as to placate the voters. I do not say what they did was proper, far from it, however, a poor one as it may be, it is an excuse.

In the present situation, the authors of the Commitment are also the people with the power to implement it. And they did implement it as far as instituting the CA, but now they seem anxious to mitigate its effects upon themselves. This, their interference with the work of the CA, they have not explained, nor they are likely to. One may guess they have by now recognized they made the "commitment" while in a state of incoherence to which they had been driven by excessively salivating at the thought of power. But this is not a reason to violate the electoral contract they entered into. After all, it is only in times of desperation or intoxication that politicians may allow people opportunities to democratize the political system. We lost the previous one to the NDP, let us learn from the loss, let's not allow the Liberals steal this one from us.

The New Era Commitment to Electoral Reform, is carved in stone, because it has been validated by the Electorate. In contrast, the Terms of Reference for the CA are not carved in stone, because, they are unilateral, in the sense that they are sneaked in by politicians without the consent of the people.

There is another manifestation to that these Terms of Reference are fluid. They already been altered or ignored, in several instances. One is the amendment to the total number of CA members. Dr. Blaney went to the Cabinet, on December 10, 2003, asking for the expansion of the CA to accommodate two aboriginal members and the Cabinet

readily granted his request . As a result, the CA now has 160 members.

But there is more to it than that, for the enlargement of the CA really amounts to three distinct "amendments": (a) altering the number of the members of the CA from 158 to 160. (b) altering the requirement that all electoral ridings be represented by two members in the CA, and (c) altering the Government's dictum that each riding shall be represented by an equal number of women and men.

Then, there is the amendment of the Term of Reference decreeing that vacated CA seats stay vacant till vacancies exceed 25% of the total CA seats. On January 5, 2004, Brooke Bannister was ushered into the CA to replace Garth Tyler who resigned. I welcome Mr. Bannister, I only mentioned the changeover to demonstrate that the Terms of Reference are changeable.

A definitive manifestation that the CA is fully entitled to assert itself, is the precedent set by Lord Hutton in the David Kelly inquiry, and other prominent jurists before him, I presume. That is to say, that a body of inquiry must not submit to any conditions that would serve other than its proper purpose.

Let's not forget that freedom is not given, only license may be given, but license is only an illusion of freedom. Freedom may only be taken.